

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT D. NICKLOW, SR.,)
)
)
Plaintiff,)
v.) Civil Action: 2:12-cv-0664-MRH
)
LVNV FUNDING, LLC)
)
Defendant.)

STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

I. PROCESS

Select one of the following processes:

- x. Mediation
Early Neutral Evaluation (ENE)
Court sponsored Binding Arbitration
Court sponsored Non-binding Arbitration
Private ADR (please identify process and provider)

Other (please identify process and provider) _____

***If you are utilizing a private process, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.**

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for court sponsored arbitration. For that process costs are paid by the court in accordance with 28 USC §658.):

50 % by Plaintiff
50 % by Defendant

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral: Patricia L. Dodge, Esq.
Address of Neutral: 535 Smithfield St., Suite 1300
Telephone & FAX Numbers: Pittsburgh, PA 15222-2315
Email address of Neutral: pld@muslaw.com

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and the neutral does not have a conflict.

IV. PARTICIPANTS

Name of the individual(s) who will be attending the mediation or early neutral evaluation session in accordance with Sections 3.8A and 4.10A of the Court's ADR Policies and Procedures:

For Plaintiff(s) Robert D. Nicklow, Sr. Len Bennett James Pietz
Name and title

For Defendant LVNV Funding Joshua D. Baker, Esquire
Name and title

For Defendant LVNV Funding Jean-Paul Torres

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority.

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: 7/20/2012 s/ James M. Pietz
Attorney for Plaintiff

Dated: 07/19/2012 s/ Joshua D. Baker
Attorney for Defendant